

Notice of Allowability

Application No.

10/017,262

Examiner

Phillip A. Johnston

Applicant(s)

ADLER ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7-05-2005.
2. ☒ The allowed claim(s) is/are 69.
3. ☒ The drawings filed on 14 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7-29-2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiners Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Okamoto on 7-26-2005. The changes made below are underlined.

The Claims are amended as follows;

-- 69. A method of imaging a substrate, comprising:

a) exposing said substrate to an influx of relatively high-energy electrons, said high-energy electrons having an energy selected to cause secondary electrons to leave said substrate,

b) exposing said substrate to an influx of relatively low-energy electrons, said electrons having both an energy and a current density profile selected to maintain surface charge present on said substrate at a predetermined level,

c) filtering said secondary electrons and the portion of said relatively low-energy electrons which are reflected from the surface of said substrate, after proper selection of the angle of incidence for the electron beams, in order to select most or all of said secondary electrons which are emitted at angles other than perpendicular to the substrate and most or all of said reflected electrons which are scattered away from the specular angle, and to reject most or all of said secondary electrons which are

emitted at an angle perpendicular to the substrate and most or all of said reflected electrons which are scattered at the specular angle,

d) focusing said selected secondary electrons and said selected reflected electrons to create an image of said substrate in the plane of a detector,

e) detecting said selected secondary electrons and said selected reflected electrons, thereby imaging a portion of said substrate. --

Claims 1-68 are canceled.

Examiner's statement of reasons for allowance

The following is an examiner's statement of reasons for allowance:

2. Claim 69 is allowed because prior art fails to show the exposure of a substrate to both relatively low and high energy electron beams, while filtering the secondary electrons and the portion of the relatively low-energy electrons which are reflected from the surface of the substrate, after proper selection of the angle of incidence for the electron beams, in order to select most or all of the secondary electrons which are emitted at angles other than perpendicular to the substrate and most or all of the reflected electrons which are scattered away from the specular angle, and to reject most or all of the secondary electrons which are emitted at an angle perpendicular to the substrate and most or all of the reflected electrons which are scattered at the specular angle.

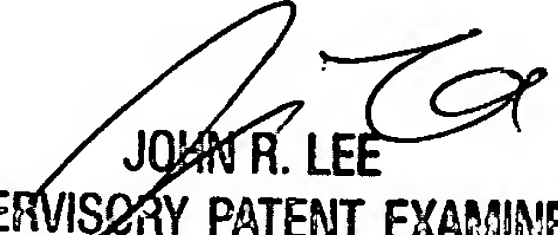
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor John Lee can be reached at (571) 272-2477. The fax phone number for the organization where the application or proceeding is assigned is 703 872 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJ
July 29, 2005


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
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